

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

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JAN 21 2015

AT GREENBELT
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND

DEPUTY

BYRON MITCHELL,

Appellant

v.

UNITED STATES OF AMERICA

Appellee.

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Crim. No. PJM 11-525
Civil No. PJM 13-1551

MEMORANDUM OPINION AND ORDER

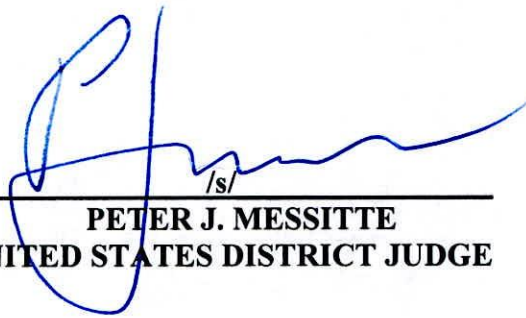
The matter comes before the Court on remand from the United States Court of Appeals for the Fourth Circuit for the limited purpose of determining whether Appellant Byron Mitchell demonstrated excusable neglect or good cause warranting an extension of his appeal period.

On May 22, 2014, this Court entered its final order dismissing Mitchell's Rule 59(e) Motion for Reconsideration. Paper No. 45. Though docketed on August 4, 2014, Mitchell filed his Notice of Appeal, at the earliest, on July 30, 2014—nine days after the appeal period expired, but still within the thirty-day period for excusable neglect. Paper No. 46.

In his Notice of Appeal, Mitchell offered reasons for his untimeliness, including three separate prison lockdowns. The government has filed no opposition. The Court thus finds excusable neglect warranting the extension of the appeal period to the time when Mitchell filed his Notice of Appeal.

The Clerk of the Court is directed to send the record back to the Fourth Circuit for further consideration.

So ordered this 20th day of January 2015.



/s/

PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE